


9 FAM 41.51 Exhibit III

(Page 1 fo 4)

41.51 EXHIBIT III PROPOSED FORM OF-156E

NOTE: This is a copy of proposed Form OF-156E. Posts may begin using it rather than locally developed, non-standard forms. To accompany this proposed form posts may use a locally prepared instruction sheet to cover any special post specific requirements.

	NONIMMIGRANT TREATY TRADER/INVESTOR VISA APPLICATION SUPPLEMENT TO FORM OF-156 (USE ADDITIONAL SHEETS OF PAPER, AS NECESSARY, TO COMPLETE RESPONSES)	OMB APPROVAL NO. 1405-0101 EXPIRES: 7-31-97 *ESTIMATED BURDEN: 2 HOURS	
PART I - BUSINESS PROFILE			
1. NAME OF U.S. ENTERPRISE, BUSINESS, OR COMPANY			
2. TYPE OF BUSINESS ENTERPRISE: <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Corporation <input type="checkbox"/> Privately owned</div><div><input type="checkbox"/> Branch/Liaison Office <input type="checkbox"/> Joint Venture</div><div><input type="checkbox"/> Partnership <input type="checkbox"/> Subsidiary</div><div><input type="checkbox"/> Other</div></div>			
3. ADDRESS OF HEADQUARTERS, SUBSIDIARIES AND BRANCH OFFICES OF U.S. ENTERPRISE (Specify type of office)			
4. DATE AND PLACE BUSINESS WAS ESTABLISHED OR INCORPORATED IN UNITED STATES (Attach appropriate documentation; e.g., corporate papers, partnership agreement, etc.)			
5. WHAT IS THE NATURE OF THE BUSINESS? <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> General Trade <input type="checkbox"/> Imports to U.S.</div><div><input type="checkbox"/> Exports from U.S. <input type="checkbox"/> Manufacturing</div><div><input type="checkbox"/> Retail Sales <input type="checkbox"/> Services/Technology</div><div><input type="checkbox"/> Other (describe)</div></div>			
6. DESCRIBE FULLY THE SERVICES, PRODUCTION, OR OTHER ACTIVITY IN NO. 5 ABOVE.			
7. NAME AND ADDRESS OF FOREIGN PARENT BUSINESS (if any)			
8. NATIONALITY OF FOREIGN ENTITY (Corporation, Partnership, etc.) OR FOREIGN INDIVIDUAL OWNER OF U.S. BUSINESS (Attach documentation).			
NAME	NATIONALITY	IF INDIVIDUAL INVESTOR, IMMIGRATION STATUS/ COUNTRY OF RESIDENCE	PERCENT OF OWNERSHIP
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
9. FINANCIAL STATEMENT FOR YEAR ____ <input type="checkbox"/> CALENDAR YEAR <input type="checkbox"/> FISCAL YEAR (Attach most recent financial statement or auditor's report.)			
Total Assets of U.S. Business: \$ _____		<input type="checkbox"/> Current Cash <input type="checkbox"/> Historical Cost	
Total Liabilities: \$ _____			
Owner's Equity:* \$ _____		\$ _____	
Total Annual Operating Income: \$ _____		After Taxes	
*Owner's equity of a corporation refers to paid-in capital plus retained earnings; partners capital accounts in a partnership; and owner's capital account in a sole proprietorship.			
PREVIOUS EDITIONS OBSOLETE		OPTIONAL FCRM 156E (Rev. 5-94) DEPT. OF STATE	

(Page 2 fo 4)

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9 FAM 41.51 Exhibit III

(Page 3 of 4)

Proposed Form OF 156-E—Continued

PART III – APPLICANT				PAGE 3
16. NAME OF APPLICANT <div style="display: flex; justify-content: space-between;"> (Family Name) (First Name) (Middle Name) </div>				
17. TYPE OF APPLICANT <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Principal owner/investor/trader <input type="checkbox"/> Manager </div> <div> <input type="checkbox"/> Supervisor <input type="checkbox"/> Executive </div> <div> <input type="checkbox"/> Specialist <input type="checkbox"/> Other _____ </div> </div>				
18. PRESENT POSITION AND DUTIES (Describe in detail)				
19. NAME AND ADDRESS OF EMPLOYER				
20. YEARS WITH PRESENT EMPLOYER		21. HIGHEST LEVEL OF EDUCATION School: _____ Major/Subject: _____ Degree: _____ Year: _____		
22. OTHER RELEVANT EXPERIENCE AND EDUCATION (Attach curriculum vitae – Optional)				
23. POSITION IN UNITED STATES Title: _____ Description of duties (include names and titles of all immediate subordinates): _____				
24. ANNUAL U.S. SALARY AND BENEFIT PACKAGE <div style="display: flex; justify-content: space-between;"> <div> \$ _____ Salary \$ _____ Allowances/Benefits \$ _____ TOTAL </div> <div> Type of Visa: _____ Date Issued: _____ Place Issued: _____ </div> <div> If NOT a replacement, is this: a. An increase in staff? <input type="checkbox"/> Yes <input type="checkbox"/> No b. Continuation of existing employment in the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div>		25. NAME OF PERSON IN UNITED STATES BEING REPLACED: _____		
26. IF THE APPLICANT IS A SPECIALIST OR ESSENTIAL SKILLED WORKER, CAN A U.S. WORKER FILL THIS POSITION? (NOTE: Questions 26 – 28 not applicable to executives/managers)			27. WILL A U.S. WORKER BE TRAINED TO REPLACE THIS INDIVIDUAL? <input type="checkbox"/> Yes <input type="checkbox"/> No	
28. DESCRIBE THE BUSINESS' PRESENT OR PLANNED TRAINING PROGRAM FOR U.S. SPECIALISTS AND ESSENTIAL PERSONNEL				
29. I do solemnly swear or affirm that all statements which appear in this application and attachments are true and complete to the best of my knowledge and belief.				
_____ <i>Signature of Responsible Officer</i>		_____ <i>Printed Name and Position or Office</i>		_____ <i>Date</i>
30. NAME AND ADDRESS OF PERSON WHO MAY BE CONTACTED ABOUT THIS APPLICANT				
				Telephone: _____ FAX: _____

Proposed Form OF 156-E—Continued

PAGE 4

INSTRUCTIONS NONIMMIGRANT TREATY TRADER/INVESTOR VISA APPLICATION

This form together with Nonimmigrant Visa Application, OF-156, constitutes the application for an E-1 Treaty Trader, or E-2 Treaty Investor Nonimmigrant Visa. See visa requirements below. Incomplete or undocumented applications will be returned.

All first-time applicants seeking Treaty Trader or Treaty Investor status must complete Parts I and II. Parts I & II must be updated periodically. All individual applicants must complete Part III and Form OF-156. You must answer all relevant questions. Enter "Not applicable" where appropriate. If an enterprise is not yet fully operational, estimates and projections should be made concerning potential income, job creation, volume of sales, etc.

Supporting documents should be submitted in a binder with a table of contents and tabs. The following are examples of supporting documentation which should be attached to first-time applications (not every type of document is applicable in each case; the consular officer may request additional information if required): Evidence of possession and control of investment funds (bank records, financial statements, loans, savings, etc.); evidence of remittance to the United States (bank drafts, transfers, exchange permits, receipts, etc.); evidence of establishment of business in the United States (articles of incorporation, partnership agreement, organization and staffing charts, shares, titles, contracts, receipts, licenses, leases, etc.); evidence of the nationality of the investors/traders (passports, articles of incorporation of parent company, stock exchange listings, etc.); evidence of trade between the United States and the treaty country (invoices, bills of lading, customs clearances, warehouse receipts, shipping receipts, sales receipts, contracts, etc.); evidence of investment in the United States (titles, receipts, contracts, loans, bank statements, etc.); evidence of substantiality (financial statements, audits, U.S. corporate or business tax returns, etc.); evidence that the enterprise is not marginal (payroll records, IRS Form 941, personal tax returns, evidence of other personal assets and income); evidence that the business is a real, operating enterprise (annual reports, catalogs, sales literature, news articles; and other evidence as appropriate); curriculum vitae of the proposed visa recipient (optional).

Use additional sheets of paper, as necessary, to complete responses.

TREATY TRADER AND TREATY INVESTOR VISA REQUIREMENTS

Section 101(a)(15)(E) of the Immigration and Nationality Act provides nonimmigrant visa status for a national of any of the countries with which the United States maintains an appropriate treaty of commerce and navigation, who is coming to the United States to carry on substantial trade, including trade in services or technology, principally between the United States and the treaty country, or to develop and direct the operations of an enterprise in which the national has invested, or is actively in the process of investing a substantial amount of capital. The requirements for Treaty Trader and Treaty Investor visas are further elaborated in 22 C.F.R. Part 41.51. These requirements are summarized below:

Requirements for a Treaty Trader (E-1) nonimmigrant visa are:

1. The applicant must be a national of a treaty country.
2. The trading firm for which the applicant is coming to the United States must have the nationality of the treaty country.
3. The international trade must be "substantial" in the sense that there is a sizable and continuing volume of trade.
4. The trade must be principally between the United States and the treaty country, which is defined to mean that more than 50% of the international trade involved must be between the United States and the country of the applicant's nationality.
5. Trade means the international exchange of goods, services and technology. Title of the trade items must pass from one party to the other.
6. The applicant must be employed in a supervisory or executive capacity, or possess highly specialized skills essential to the efficient operation of the firm. Ordinary skilled or unskilled workers do not qualify.

Requirements for a Treaty Investor (E-2) nonimmigrant visa are:

1. The investor, either a real or corporate person, must be a national of a treaty country.
2. The investment must be substantial. It must be sufficient to ensure the successful operation of the enterprise. The percentage of investment required for a low-cost business enterprise is generally higher than the percentage of investment required for a high-cost enterprise.
3. The investment must be a real operating enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment.
4. The investment may not be marginal. It must have the capacity to generate significantly more income than just to provide a living to the investor and family, or it must have a significant economic impact in the United States.
5. The investor must have control of the funds, and the investment must be at risk in the commercial sense. Loans secured with the assets of the investment enterprise are not allowed.
6. The investor must be coming to the United States solely to develop and direct the enterprise. If the applicant is not the principal investor, he or she must be employed in a supervisory, executive, or highly specialized skills capacity. Ordinary skilled and unskilled workers do not qualify.

*Public reporting burden for this collection of information is estimated to average 2 hours per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: Department of State (OIS/RA/DR) Washington, D.C. 20520-0264, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (1405-0101), Washington, D. C. 20503.

